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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,651	04/14/2000	Leonard J. DiSanza	SIG99004	8843

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EXAMINER

VO, TIM T

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 06/18/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/549,651

Applicant(s)

DISANZA ET AL.

Examiner

Tim T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6) ☐ Other: \_\_\_\_\_

### **Response to Arguments**

1. Claims 6 and 10 are rejected under new ground of rejection therefore this office action is made non final.
2. In response to the applicant arguments that Ruppert does not teach a peripheral device, but instead teaches a standalone computer. As cited in the office action, a scanner 18 (peripheral device) of Ruppert for scanning function. The scanner 18 is connected to the store computer via RS232 port 40 to down load scanning information from the scanner to the computer store (column 6 line 3-5). The scanner 18 is interpreted as a type of a computer peripheral device because it performs like a local scanner that attaches to a computer via an industrial standard communication connections such as RS232. Where as the scanner 18 of Ruppert is used wisely used i.e the scanner 18 can be hand carry everywhere as desire to scan the information and in the end it connects to a computer to down load information to the computer (column 3 lines 5-25). For these reasons the scanner 18 of Ruppert is a computer peripheral device.
3. In response to the applicant arguments that the combination of the USB cannot be rendered obvious by Rupert. Rupert teaches any communication interface could be selected for communication which depends upon the desired mode of operation for the device (column 8 lines 40-47). Further, Rupert also teaches any infrared or radio wireless data transfer device that is capable of downloading information. For these reasons, it would have been obvious to combine the USB device as for communication

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interface between the scanner 18 and store's computer for data transferring and the transfer rate of the USB would be faster than the RS232.

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

4. This application has been examined. Claims 1-10 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruppert et al. patent number 5,424,524.

As for claims 1, 4-5 and 7, Ruppert teaches a computer peripheral device (see figure 1, personal scanner), comprising:

circuitry to perform a computer peripheral function (see figure 1, personal scanner, element 18, wherein within the scanner comprises at least one circuitry to perform scanning (see column 5 lines 34-47);

RS232 cable that provides a connection to a computer (see figure 1 element 40 and column 6 lines 3-5, wherein the personal scanner communicates with the store's computer via RS232 port 40);

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IR (infrared) transceiver (figure 3 element 85 and column 8 lines 59-66) operably coupled to the RS232 cable (see column 6 lines 2-18, column 8 lines 24-35 and column 11 lines 18-26, wherein the personal scanner receives data information (price list) from the IR transceiver 85 as he/she enters the store and coupled to the computer store via port 40 (RS232) to check out), wherein at least one of the circuitry and the IR transceiver is actively coupled to the computer via the RS232 cable (As explained above, the personal scanner receives price list from the store via infrared port 85. Once he/she is done shopping, the personal scanner is connected to the store's register (store's computer) via port 40 (RS232) to check out (see column 6 lines 3-5);

Ruppert does not expressly teach USB cable and USB hub for data communication but Ruppert further added any communication interface could be selected for communication (see column 8 lines 43-47). Therefore, "Official Notice" is taken that both concept and the advantages for providing USB cable for data communication between the computer and the peripheral device are well known and expected in the art. It would have been obvious to utilize USB for Ruppert's system to increase communication performance because the USB provides data transfer rate is faster than RS232. Further, Utilizing USB has flexibility for system expansion through a single port. For example, the USB hubs can connect up to 127 peripheral devices.

As for claims 2 and 8, Ruppert teaches wherein the circuitry further comprises being implemented to perform at least one of: a mouse function, a keyboard function, a portable printer function, a microphone function, hand scanner function, and a video camera function (see figure 1, the personal scanner).

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6. Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruppert in view of Bayramoglu et al. patent number 5, 781,028 referred hereinafter (Bayramoglu).

As for claims 6 and 10, Ruppert does not expressly teach a USB cable having a pair of USB cables connecting to a peripheral device. However, Bayramoglu teaches a USB cable having a pair USB cables connecting from peripheral devices to a USB hub in a computer (see figure 4, USB cables 126, USB hub 300). It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Bayramoglu into the teachings of Ruppert because Bayramoglu providing multiple USB buses to connect to peripheral devices that allow the peripheral devices automatically configured as soon as they are physically attached without the need to reboot or run setup. The USB also allow multiple devices, up to 127, to run simultaneously on the computer (see column 6 lines 3-7 of Bayramoglu).

### ***Allowable Subject Matter***

7. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 703-308-5862.

The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2100.



Tim T. Vo  
Examiner  
Art Unit 2189

T.V  
June 13, 2003